

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS VERA CHESNOKOVA	DEFENDANTS WELLS FARGO BANK, NATIONAL ASSOCIATION			
ATTORNEYS (Firm Name, Address, and Telephone No.) Peter M. Iascone & Associates, Ltd. 117 Bellevue Avenue, Newport, RI 02840 (401) 848-5200	ATTORNEYS (If Known) Peter M. Iascone Gregory P. Sorbello			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Complaint for the imposition of sanctions against the Defendant for violation of the provisions of 11 U.S.C. Section 524.				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Vera Chesnokova		BANKRUPTCY CASE NO. 1:10-bk-15025
DISTRICT IN WHICH CASE IS PENDING Rhode Island	DIVISION OFFICE Providence	NAME OF JUDGE Votolato
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Peter M. Iascone		
DATE March 21, 2012	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Peter M. Iascone	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

Re: VERA CHESNOKOVA
Debtor

Docket No: 1:10-bk-15025
Chapter 7

VERA CHESNOKOVA)	
)	
Plaintiff)	
)	
vs.)	AP No: _____
)	
WELLS FARGO BANK, NATIONAL)	
ASSOCIATION)	
)	
Defendant)	

ADVERSARY COMPLAINT

1. This Complaint is filed by the Debtor, VERA CHESNOKOVA, (hereinafter "Plaintiff" or "Debtor") in the above encaptioned converted Chapter 7 case. This Honorable Court has jurisdiction over this proceeding, which arises in a case filed pursuant to the Bankruptcy Code and concerns property of the Debtor, pursuant to 28 U.S.C. § 1334. This proceeding is a core proceeding.
2. The Defendant, WELLS FARGO BANK, NATIONAL ASSOCIATION, (hereinafter "Defendant") is a FDIC insured banking institution with a principal place of business located at 101 N. Phillips Avenue, Sioux Falls, South Dakota. At all times relevant hereto the Defendant is the successor to Wachovia Mortgage, FSB.
3. The Defendant received actual notice of the Plaintiff's Bankruptcy filing.
4. Since Plaintiff's Bankruptcy Filing the Defendant has proceeded to undertake actions to collect a pre-petition and/or pre-conversion debt and to otherwise force, coerce, harass and/or embarrass Plaintiff into paying said pre-petition / pre-conversion debt in violation of the Discharge Injunction, 11 U.S.C. § 524.
5. Defendant, despite actual notice of the Discharge Injunction as aforesaid, has *inter-alia* repeatedly and continually directly communicated with the Plaintiff, the sole purpose of which was to coerce, harass, embarrass and/or force the Plaintiff to pay said pre-petition debt in violation of the Discharge Injunction pursuant to 11 U.S.C. § 524.
6. At no time after receiving the aforesaid actual notice of the Discharge Injunction did Defendant cease its collection activities.

7. Defendant's attempts to collect the debt, constitute willful violations of the Discharge Injunction pursuant to 11 U.S.C. § 524.
8. Defendant's conduct as aforesaid in connection with the illegal collection of the debt was done with the intent to harass, abuse and/or oppress the Plaintiff.
9. Defendant's actions in attempting to illegally collect a debts subject to the Discharge Injunction provisions of 11 U.S.C. § 524 after actual notice of the same was unfair, unreasonable, unconscionable, willful, wanton and malicious.
10. As a result of Defendant's said conduct referenced, *supra* Plaintiff suffered damages.

WHEREFORE, Plaintiffs pray this Honorable Court:

1. Order Defendant to forthwith cease any and all collection activities and billings;
2. Find the Defendant in willful contempt of this Honorable Court for violating 11 U.S.C. § 524;
3. Award Plaintiff damages, costs and attorney's fees pursuant to 11 U.S.C. § 105(a);
4. Award Plaintiff actual damages;
5. Order any and all such other relief as is just and proper.

The Debtor,
By her attorneys,
/s/ Peter M. Iascone
Peter M. Iascone No. 3125
Gregory P. Sorbello No. 6564
Peter M. Iascone & Associates, Ltd.
117 Bellevue Avenue
Newport, RI 02840
(401) 848-5200
(401) 846-8189 facsimile
iascone@law.necoxmail.com

Dated: March 21, 2012

CERTIFICATION

I hereby certify that on the 21st day of March 2012 I electronically filed the Adversary Complaint with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF system. The following participants have received notice electronically: None.

I hereby certify that on March 21, 2012 I mailed by First Class Mail, United States Postal Service, postage prepaid, the document and copy of the notice of electronic filing the following non CM/ECF participants:

Thomas P. Quinn, Esquire
McLaughlin & Quinn, LLC
148 West River Street, Suite 1E
Providence, RI 02904

Ann Marie Maccarone Esquire
Partridge Snow & Hahn LLP
2364 Post Road Suite 100
Warwick RI 02886

I hereby certify that on March 21, 2012 I mailed by, **Certified Return Receipt Requested and First Class Mail**, United States Postal Service, postage prepaid, the Adversary Complaint and copy of the notice of electronic filing the following non CM/ECF participants:

Wells Fargo Bank, National Association
101 N. Phillips Avenue
Sioux Falls, SD 57104

Wells Fargo Bank, NA
4101 Wiseman Blvd., T7416-023
San Antonio, TX 78251

/s/ Peter M. Iascone